

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1090

Introduced by Committee on Governance and Finance (Senators Wolk (Chair), Dutton, DeSaulnier, Fuller, Hancock, Hernandez, Huff, Kehoe, La Malfa, and Liu)

February 15, 2012

An act to amend Sections 12463, 23110, 23124, 34460, 40471, 51191, 51191.3, 51192.1, 51192.2, 53243.4, 53892.1, 65302.10, 66442, and 66450 of, and to add Section 54712 to, the Government Code, to amend Sections 5473.8, 5473.11, and 5474.6 of the Health and Safety Code, to amend Sections 36622, 36623, 36629, and 36671 of the Streets and Highways Code, to amend Section 37212 of the Water Code, and to amend Sections 5, 8, 21, and 24 of, to add Sections 3.1 and 3.2 to, to repeal Sections 19, 20, and 22 of, and to repeal and add Section 3 of, Chapter 931 of the Statutes of 1951, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1090, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law requires the Controller to compile and publish reports of the financial transactions of each county, city, and special district within this state, together with any other matter he or she deems of public interest. Existing law requires the Controller to annually publish reports of the financial transactions of each school district within this state, together with any other matter he or she deems of public interest.

This bill would require the Controller to publish the annual reports of the financial transactions of each school district on the Internet Web site of the Controller.

~~(1)~~

(2) Existing law sets forth the boundary descriptions of every county in the state, including the Counties of Fresno and Merced.

This bill would revise the boundary descriptions for the Counties of Fresno and Merced.

(3) Existing law requires 3 copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county to be certified and authenticated by the chairperson and the clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the voters of the city, and its ratification by them.

This bill would clarify that the copies filed with the county recorder are recorded, and that the copies with the city archives are filed.

~~(2)~~

(4) Existing law authorizes the legislative body of a general law city to impose a sidewalk installation charge, as specified, upon an affirmative vote of a majority of all of the electors of the city voting on the proposition at an election called for that purpose. The California Constitution conditions the imposition of a special tax on a city, county, or special district upon the approval of $\frac{2}{3}$ of the voters of the city, county, or special district voting on that tax. Existing law implements this provision of the Constitution.

This bill would require the legislative body of a general law city to submit a sidewalk installation charge to the voters and receive a $\frac{2}{3}$ vote to approve the charge prior to imposing the charge, thereby conforming these provisions to existing law.

~~(3)~~

(5) Existing law authorizes the parties to a Williamson Act contract, after approval by the Department of Conservation, in consultation with the Department of Food and Agriculture, to mutually agree to rescind the contract entered into under the Williamson Act in order to simultaneously enter into a solar-use easement that would require that the land be used for solar photovoltaic facilities for a term no less than 20 years, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

~~(4)~~

(6) Existing law, commencing January 1, 2012, requires any contract executed or renewed between a local agency and an officer or employee of the local agency to include a provision that requires an officer or employee of a local agency who is convicted of a crime involving an abuse of his or her office or position, as defined, to fully reimburse the local agency for specified payments made by that local agency to the officer or employee, as specified. Existing law defines the term “abuse of office or position” to include, among other things, a crime against public justice, including, but not limited to, specified crimes related to bribery or corruption of any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy.

This bill would additionally include within that definition, specified crimes related to bribery or corruption of any executive officer in this state.

(7) *Existing law requires the Superintendent of Public Instruction to make available to the Controller, on an as-needed basis, data and other matters required by the Controller pursuant to existing law.*

This bill would authorize the Controller to prescribe the time, manner, and format in which the superintendent is required to provide that data.

~~(5)~~

(8) The Benefit Assessment Act of 1982 authorizes local agencies, as defined, to impose benefit assessments to finance the maintenance and operation costs of drainage, flood control, street lighting, and streets, roads, or highways, if that local agency is authorized to provide those services.

This bill would authorize a local agency that has imposed an assessment pursuant to these provisions to bring an action in superior court to determine the validity of the assessment, as specified.

(9) *On or before the due date for the next adoption of its housing element, existing law requires each city or county to review and update the land use element of its general plan to include, if a city, an identification of each unincorporated island or fringe community within the city’s sphere of influence, or, if a county, an identification of each legacy community within the boundaries of the county.*

This bill would instead require the update of the land use element to include, if a city, an identification of each island or fringe community within the city’s sphere of influence that is a disadvantaged unincorporated community, or, if a county, an identification of each legacy community within the boundaries of the county that is a

disadvantaged unincorporated community. The bill would require the update to be based on certain available data, as specified.

~~(6)~~

(10) The Subdivision Map Act requires a certificate or statement by the city engineer or surveyor, or county surveyor, for specified maps, and requires the official to provide, among other things, his or her registration or license number with expiration date, as specified.

This bill would eliminate the requirement that the official provide the expiration date of his or her registration number or license.

~~(7)~~

(11) Existing law authorizes various local public entities to prescribe fees or other charges for services and facilities furnished by them in connection with their water, sanitation, storm drainage, or sewerage system, as well as for the privilege of connecting to these sanitation or sewerage facilities. These charges, under specified circumstances, may be collected on the tax roll in the same manner as property taxes and the amount of the charges constitutes a lien against the lot or parcel against which the charge has been imposed, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date upon which the first installment of the property taxes would become delinquent.

This bill would instead require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of property taxes that evidence the charges appears on the tax roll, in order to preclude the local public entity's lien from attaching to the real property of the bona fide purchaser or encumbrancer for value.

~~(8)~~

(12) Existing law requires the charges for the above-described services and facilities to remain delinquent for 60 days and the imposing entity to provide the assessee with notice of the delinquency, in order for the charges to constitute a lien against the lot or parcel of land for which the service was provided.

This bill would delete the 60-day delinquency and notice requirements and, instead, authorize the amount of unpaid charges to be secured at any time by filing a specified certificate in the office of the county recorder. This bill would provide that the amount required to be paid, with interest and a penalty, constitutes a lien on all real property owned by the person or afterwards acquired by him or her before the lien expires.

(9)

(13) Existing law provides procedures for the collection of unpaid charges by a water district for water or other services. These unpaid charges become a lien on the parcel of land upon which the water and other services were used, unless the real property has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attached prior to the date of which the first installment of taxes would become delinquent.

This bill would require the transfer, conveyance, or attachment to occur during the year prior to the date on which the first installment of real property taxes that evidence the charges appears on the tax roll, in order for the water district's lien to not attach to the real property of the bona fide purchaser or encumbrancer for value.

(14) *Existing law provides procedures to a city council that proposes to levy a new or increased property assessment or a new or increased business assessment.*

This bill would set forth procedures to apply to a city council that proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, as specified.

(10)

(15) The Property and Business Improvement District Law of 1994, requires a management district plan for a district to include, among other things, the improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

This bill would specify that, if the improvements and activities proposed for each year of operation of the district are the same, this requirement may be satisfied if the management plan includes a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years.

The Property and Business Improvement District Law of 1994 also requires a management district plan for a district to include, among other things, the total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

The bill would provide that if the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years may satisfy

this requirement. This bill would also authorize this amount to be based upon the assessment rate if the assessment is levied on businesses.

~~This~~

The bill would also correct an erroneous reference within the Property and Business Improvement District Law of 1994.

~~(11)~~

(16) The Property and Business Improvement District Law of 1994 provides that a city council may adopt a resolution for the disestablishment of a district under specified circumstances. Existing law requires, upon the disestablishment of a district, any specified remaining revenues to be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied, as specified.

This bill would additionally provide, upon the expiration without renewal of the district for the refund of any specified remaining revenues to the owners of property or businesses then located and operating within the district in which assessments were levied, as specified.

~~(12)~~

(17) The Kings River Conservation District Act establishes the Kings River Conservation District, and authorizes the board of the district to exclude specific territory within the district, as specified. The act divides the district into divisions for purposes of elections, and requires the board of the district to revise the divisions upon adding or removing territory from the district, except that the board is prohibited from revising the division of districts within the 3 months immediately following the preceding general district election. The act additionally defines the term “general district election” to mean the election required to be held in the district on the first Tuesday after the first Monday in November in each odd-numbered year.

This bill would repeal this provision, and would additionally require the district board to adopt a resolution on or before May 1, 2013, that divides the district into 7 electoral districts, as specified. The bill would also set forth the procedure by which the directors of the board may be elected, and would require the board to review the boundaries of the 7 districts before November 1 of the year following the year in which each decennial census is taken. The bill would prohibit the board from making any changes to the division of the district within the 180 days immediately proceeding a general district election. The bill would revise the definition of the term “general district election” to mean the election required to be held in the district on the first Tuesday after the first

Monday in November in each even-numbered year. The bill would additionally make conforming changes to the act. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(13)

(18) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known, and may be cited,
2 as the Local Government Omnibus Act of 2012.

3 (b) The Legislature finds and declares that Californians want
4 their governments to run efficiently and economically and that
5 public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires
7 to control its own costs by reducing the number of separate bills.
8 Therefore, it is the intent of the Legislature in enacting this act to
9 combine into a single measure several minor, noncontroversial
10 statutory changes relating to the common theme, purpose, and
11 subject of local government.

12 SEC. 2. Section 12463 of the Government Code is amended to
13 read:

14 12463. (a) The Controller shall compile and publish reports
15 of the financial transactions of each county, city, and special
16 district, respectively, within this state, together with any other
17 matter he or she deems of public interest. The reports shall include
18 the appropriations limits and the total annual appropriations subject
19 to limitation of the counties, cities, and special districts. The reports
20 to the Controller shall be made in the time, form, and manner
21 prescribed by the Controller.

22 (b) Effective January 1, 2005, the Controller shall compile and
23 publish reports of the financial transactions of each county, city,
24 and special district pursuant to subdivision (a) on or before August
25 1, September 1, and October 1 respectively, of each year following

1 the end of the annual reporting period. The Controller shall make
2 data collected pursuant to this subdivision available upon request
3 to the Legislature and its agents, on or before April 1 of each year.

4 (c) The Controller shall annually publish, *on the Internet Web*
5 *site of the Controller*, reports of the financial transactions of each
6 school district within this state, together with any other matter he
7 or she deems of public interest. The reports shall include the
8 appropriations limit and the total annual appropriations subject to
9 limitation of the school district. The reports to the Controller shall
10 be made in the time, form, and manner prescribed by the Controller.

11 (d) As used in this section, the following terms have the
12 following meanings:

13 (1) "School district" means a school district as defined in Section
14 80 of the Education Code.

15 (2) "Special district" means any of the following:

16 (A) A special district as defined in Section 95 of the Revenue
17 and Taxation Code.

18 (B) A commission provided for by a joint powers agreement
19 pursuant to Chapter 5 (commencing with 6500) of Division 7 of
20 Title 1.

21 (C) A nonprofit corporation that is any of the following:

22 (i) Was formed in accordance with the provisions of a joint
23 powers agreement to carry out functions specified in the agreement.

24 (ii) Issued bonds, the interest on which is exempt from federal
25 income taxes, for the purpose of purchasing land as a site for, or
26 purchasing or constructing, a building, stadium, or other facility,
27 that is subject to a lease or agreement with a local public entity.

28 (iii) Is wholly owned by a public agency.

29 ~~SEC. 2.~~

30 ~~SEC. 3.~~ Section 23110 of the Government Code is amended
31 to read:

32 23110. The boundaries of Fresno County are as follows:

33 Beginning on the south line of Merced at a point where said line
34 crosses the San Joaquin River; thence south, 45 degrees west, and
35 on the line of Merced, to the centerline of a drain in the Southwest
36 Quarter of the Southwest Quarter of Section 6, T. 11 S., R. 13 E.,
37 M.D.B.&M; thence along said centerline southeasterly to the
38 centerline of Colony East Ditch Canal; thence southerly along said
39 centerline to the south line of the north half of the Southeast
40 Quarter of Section 7, said Township and Range; thence westerly

1 along said south line to the northeast corner of the west half of the
2 Southwest Quarter of the Southeast Quarter of said section; thence
3 southerly along the east line of said west half to the south line of
4 said Section; thence westerly along said line to the North Quarter
5 corner of Section 18, said Township and Range; thence southerly
6 along the north-south centerline of Section 18 and Section 19 to
7 the south line of Section 19; thence westerly along said south line
8 and the south line of Sections 24 & 23 & 22 & 21 in T. 11 S., R.
9 12 E. to a point that is south 45 degrees west from said line of
10 Merced; thence south 45 degrees west to the eastern boundary line
11 of San Benito; thence southeasterly along said boundary line to
12 the southeast corner of T. 16 S. R. 12 E.; thence easterly along the
13 south line of T. 16 S. to the northeast corner of T. 17 S., R. 12 east;
14 thence southerly along the east line of R. 12 E. to the point where
15 the summit line of the Coast Range Mountains crosses the east
16 line of R. 12 east and continuing along said San Benito boundary
17 along the summit line to Monterey; thence continuing along the
18 Monterey boundary and said summit line in a southerly and
19 southeasterly direction, to a point in that boundary, which point is
20 south 45 degrees west from the point on Kings River where the
21 northern line of T. 16 S. crosses the Kings River; said point being
22 the common corner of Fresno, Monterey, and Kings; said corner
23 point defined by survey recorded in Book 42 of Record of Surveys
24 at Pages 57 and 58, Fresno County Records; thence along the
25 Fresno-Kings boundary, as defined by said survey north 47° 12'
26 09" east, to the northwest corner of Section 19, T. 20 S., R. 19 E.;
27 thence north along the west line of R. 19 E. to the north line of T.
28 18 S.; thence east along the north line of T. 18 S. to the centerline
29 of Kings River; thence easterly along the centerline of Kings River
30 to the point that intersects the south 45 degrees west boundary,
31 said boundary is south 45 degrees west from the point on Kings
32 River where the northern line of T. 16 S. crosses the Kings River;
33 thence north 45 degrees east to the point on the Kings River where
34 the northern line of T. 16 S. crosses the Kings River; thence east
35 along the northern line of T. 16 S. and continuing on said line to
36 the northwest corner of T. 16 S., R. 25 E.; thence north to the
37 northwest corner of T. 15 S., R. 25 E.; thence east to the northeast
38 corner of T. 15 S., R. 27 E.; thence north to the northeast corner
39 of T. 14 S. of R. 27 E.; thence east on the line between T. 13 and
40 14 S. to the summit of the Sierra Nevada Mountains, being the

1 western line of Inyo; thence northwesterly, on the summit line and
2 lines of Inyo and Mono, to the common corner of Mono, Madera,
3 and Fresno; thence southwesterly along the boundary of Madera
4 to the point where the San Joaquin River crosses the south
5 boundary line of T. 6 S., R. 24 E.; thence southwesterly and
6 northwesterly following the meanderings of said river to a point
7 on the southerly boundary of Merced, said point being the common
8 corner of Fresno, Madera, and Merced and the place of beginning.

9 ~~SEC. 3.~~

10 *SEC. 4.* Section 23124 of the Government Code is amended
11 to read:

12 23124. The boundaries of Merced County are as follows:

13 Beginning at the northwest corner, being the southwest corner
14 of Stanislaus as shown on the survey map of A. J. Stakes, 1868;
15 thence northeasterly, on southern line of Stanislaus to common
16 corner of Tuolumne, Mariposa, Merced, and Stanislaus; thence
17 southeasterly, by direct line, being western line of Mariposa, to
18 Phillips' ferry, on Merced River; thence southeasterly, on line of
19 Mariposa, being line shown on "map of Mariposa County," to
20 Newton's crossing on Chowchilla Creek, forming the southeast
21 corner; thence down the northern side and on high water mark,
22 being on line of Madera to the lower clump of cottonwood timber
23 at the sink of said creek; thence south, 45 degrees west, to the
24 centerline of a drain in the Southwest Quarter of the Southwest
25 Quarter of Section 6, Township 11 South, Range 13 east,
26 M.D.B.&M; thence along said centerline southeasterly to the
27 centerline of Colony East Ditch Canal; thence southerly along said
28 centerline to the south line of the north half of the Southeast
29 Quarter of Section 7, said Township and Range; thence westerly
30 along said south line to the northeast corner of the west half of the
31 Southwest Quarter of the Southeast Quarter of said section; thence
32 southerly along the east line of said west half to the south line of
33 said Section; thence westerly along said line to the North Quarter
34 corner of Section 18, said Township and Range; thence southerly
35 along the north-south centerline of said Section and Section 19 to
36 the south line of Section 19; thence westerly along said south line
37 and the south line of Sections 24 & 23 & 22 & 21 in Township 11
38 south, Range 12 East to a point that is south 45 degrees west from
39 said clump of cottonwood timber; thence south 45 degrees west
40 to the eastern line of San Benito, forming the southwest corner;

1 thence northwesterly, by said line of San Benito and Santa Clara,
2 to the place of beginning.

3 *SEC. 5. Section 34460 of the Government Code is amended to*
4 *read:*

5 34460. Three copies of the complete text of a charter proposal
6 or of any amended or repealed section ratified by the voters of a
7 city or city and county shall be certified and authenticated by the
8 chairperson and the clerk of the governing body and attested by
9 the city clerk, setting forth the submission of the charter to the
10 voters of the city, and its ratification by them. One copy shall be
11 ~~filed~~ *recorded* with the recorder of the county in which the city is
12 located, and one *filed* in the archives of the city. In the case of a
13 city and county, one copy shall be ~~filed~~ *recorded* with the recorder
14 thereof, and one *filed* in the archives of the city and county. The
15 third copy shall be filed with the Secretary of State. Each copy
16 ~~filed~~ *recorded* with the recorder of the county or city and county
17 and *filed* in the archives of the city or city and county shall be filed
18 with the following:

19 (a) Certified copies of all publications and notices required of
20 the city by this chapter or by the laws of this state in connection
21 with the calling of an election to propose, amend, or repeal a city
22 charter.

23 (b) Certified copies of any arguments for or against the charter
24 proposal, amendment, or repeal ~~which~~ *that* were mailed to voters
25 pursuant to Sections 9281 and 13303 of the Elections Code.

26 (c) A certified abstract of the vote at the election at which the
27 charter proposal, amendment, or repeal was approved by the voters.

28 ~~SEC. 4.~~

29 *SEC. 6. Section 40471 of the Government Code is amended*
30 *to read:*

31 40471. The special charge described in Section 40470 shall
32 only be imposed pursuant to Article 3.5 (commencing with Section
33 50075) of Chapter 1 of Part 1 of Division 1 of Title 5. The charge
34 shall be in an amount and for a period not to exceed five years
35 which shall be stated on the ballot.

36 ~~SEC. 5.~~

37 *SEC. 7. Section 51191 of the Government Code is amended*
38 *to read:*

39 51191. (a) For purposes of this chapter, and for purposes of
40 Chapter 7 (commencing with Section 51200), the Department of

1 Conservation, in consultation with the Department of Food and
2 Agriculture, upon a request from a city or county, may determine,
3 based on substantial evidence, that a parcel or parcels is eligible
4 for rescission under Section 51255.1 for placement into a solar-use
5 easement if the following criteria are met:

6 (1) The land meets either of the following:

7 (A) The land consists predominately of soils with significantly
8 reduced agricultural productivity for agricultural activities due to
9 chemical or physical limitations, topography, drainage, flooding,
10 adverse soil conditions, or other physical reasons.

11 (B) The land has severely adverse soil conditions that are
12 detrimental to continued agricultural activities and production.
13 Severely adverse soil conditions may include, but are not limited
14 to, contamination by salts or selenium, or other naturally occurring
15 contaminants.

16 (2) The parcel or parcels are not located on lands designated as
17 prime farmland, unique farmland, or farmland of statewide
18 importance, as shown on the maps prepared pursuant to the
19 Farmland Mapping and Monitoring Program of the California
20 Natural Resources Agency, unless the Department of Conservation,
21 in consultation with the Department of Food and Agriculture,
22 determines that a parcel or parcels are eligible to be placed in a
23 solar-use easement based on the information provided in
24 subdivision (b) that demonstrates that circumstances exist that
25 limit the use of the parcel for agricultural activities. For purposes
26 of this section, the important farmland designations shall not be
27 changed solely due to irrigation status.

28 (b) To assist in the determination described in this section, the
29 city or county shall require the landowner to provide to the
30 Department of Conservation the following information to the extent
31 applicable:

32 (1) A written narrative demonstrating that even under the best
33 currently available management practices, continued agricultural
34 practices would be substantially limited due to the soil's reduced
35 agricultural productivity from chemical or physical limitations,

36 (2) A recent soil test demonstrating that the characteristics of
37 the soil significantly reduce its agricultural productivity.

38 (3) An analysis of water availability demonstrating the
39 insufficiency of water supplies for continued agricultural
40 production.

1 (4) An analysis of water quality demonstrating that continued
2 agricultural production would, under the best currently available
3 management practices, be significantly reduced.

4 (5) Crop and yield information for the past six years.

5 (c) The landowner shall provide the Department of Conservation
6 with a proposed management plan describing how the soil will be
7 managed during the life of the easement, how impacts to adjacent
8 agricultural operations will be minimized, how the land will be
9 restored to its previous general condition, as it existed at the time
10 of project approval, upon the termination of the easement. If the
11 Department of Conservation determines, in consultation with the
12 Department of Food and Agriculture, pursuant to subdivision (a),
13 that lands are subject to this section, the city or county shall require
14 implementation of the management plan, which shall include any
15 recommendations provided by the Department of Conservation,
16 as part of any project approval.

17 (d) A determination by the Department of Conservation pursuant
18 to this section related to a project described in Section 21080.43
19 of the Public Resources Code shall not be subject to Division 13
20 of the Public Resources Code.

21 (e) The Department of Conservation may establish a fee to be
22 paid by the landowner to recover the estimated costs incurred by
23 the department in participating in the consultation described in
24 this section.

25 ~~SEC. 6.~~

26 *SEC. 8.* Section 51191.3 of the Government Code is amended
27 to read:

28 51191.3. (a) A county or city may require a deed or other
29 instrument described in subdivision (c) of Section 51190 to contain
30 any restrictions, conditions, or covenants as are necessary or
31 desirable to restrict the use of the land to photovoltaic solar
32 facilities.

33 (b) The restrictions, conditions, or covenants may include, but
34 are not limited to, the following:

35 (1) Mitigation measures on the land that is subject to the
36 solar-use easement.

37 (2) Mitigation measures beyond the land that is subject to the
38 solar-use easement.

39 (3) If deemed necessary by the city or county to ensure that
40 decommissioning requirements are met, the provision for financial

1 assurances, such as performance bonds, letters of credit, a corporate
2 guarantee, or other securities to fund, upon the cessation of the
3 solar photovoltaic use, the restoration of the land that is subject to
4 the easement to the conditions that existed before the approval or
5 acceptance of that easement by the time that the easement
6 terminates.

7 (4) Provision for necessary amendments by the parties provided
8 that the amendments are consistent with the provisions of this
9 chapter.

10 (c) For term easements or self-renewing easements, the
11 restrictions, conditions, or covenants shall include a requirement
12 for the landowner to post a performance bond or other securities
13 to fund the restoration of the land that is subject to the easement
14 to the conditions that existed before the approval or acceptance of
15 the easement by the time the easement is extinguished. The
16 Department of Conservation may adopt regulations pursuant to
17 the Administrative Procedure Act (Chapter 3.5 (commencing with
18 Section 11340) of Division 3 of Title 2) to implement this
19 subdivision.

20 ~~SEC. 7.~~

21 *SEC. 9.* Section 51192.1 of the Government Code is amended
22 to read:

23 51192.1. In the case of a solar-use easement that is extinguished
24 because of a notice of nonrenewal by the landowner or due to
25 termination, the landowner shall restore the land that is subject to
26 the easement to the conditions that existed before the approval of
27 the easement by the time the easement is extinguished.

28 ~~SEC. 8.~~

29 *SEC. 10.* Section 51192.2 of the Government Code is amended
30 to read:

31 51192.2. (a) If all or a portion of the parcel held in a solar-use
32 easement will no longer be used for the purposes outlined in the
33 easement the landowner may petition the county or city to approve
34 termination of the easement.

35 (b) Prior to any action by the county or city giving tentative
36 approval to the termination of any easement, the county assessor
37 of the county in which the land is located shall determine the
38 current fair market value of the parcel or parcels to be terminated
39 as though the parcel or parcels were free of the easement restriction.
40 The assessor shall certify to the county or city the termination

1 valuation of the parcel or parcels for the purpose of determining
2 the termination fee. At the same time, the assessor shall send a
3 notice to the landowner and the Department of Conservation
4 indicating the current fair market value of the parcel or parcels as
5 though the parcel or parcels were free of the easement restriction
6 and advise the parties, that upon their request, the assessor shall
7 provide all information relevant to the valuation, excluding
8 third-party information. If any information is confidential or
9 otherwise protected from release, the department and the landowner
10 shall hold it as confidential and return or destroy any protected
11 information upon completion of all actions relating to valuation
12 or termination of the easement on the property. The notice shall
13 also advise the landowner and the department of the opportunity
14 to request formal review from the assessor.

15 (c) Prior to giving tentative approval to the termination of any
16 easement, the county or city shall determine and certify to the
17 county auditor the amount of the termination fee that the landowner
18 shall pay the county treasurer upon termination. That fee shall be
19 an amount equal to 12½ percent of the termination valuation of
20 the property.

21 (d) If it finds that it is in the public interest to do so, the county
22 or city may waive any payment or any portion of a payment by
23 the landowner, or may extend the time for making the payment or
24 a portion of the payment contingent upon the future use made of
25 the parcel or parcels and the parcel or parcels economic return to
26 the landowner for a period of time not to exceed the unexpired
27 period of the easement, had it not been terminated, if both of the
28 following occur:

29 (1) The termination is caused by an involuntary transfer or
30 change in the use which may be made of the land and the land is
31 not immediately suitable, nor will be immediately used, for a
32 purpose which produces a greater economic return to the owner.

33 (2) The waiver or extension of time is approved by the Secretary
34 of the Natural Resources Agency. The secretary shall approve a
35 waiver or extension of time if the secretary finds that the granting
36 of the waiver or extension of time by the county or city is consistent
37 with the policies of this chapter and that the county or city complied
38 with this article. In evaluating a request for a waiver or extension
39 of time, the secretary shall review the findings of the county or
40 city, the evidence in the record of the county or city, and any other

1 evidence the secretary may receive concerning the termination,
2 waiver, or extension of time.

3 (e) When termination fees required by this section are collected,
4 they shall be transmitted by the county treasurer to the Controller
5 and deposited in the General Fund, except as provided in
6 subdivision (b) of Section 51203 or subdivision (d) of Section
7 51283.

8 (f) It is the intent of the Legislature that fees paid to terminate
9 a contract do not constitute taxes but are payments that, when
10 made, provide a private benefit that tends to increase the value of
11 the property.

12 ~~SEC. 9.~~

13 *SEC. 11.* Section 53243.4 of the Government Code is amended
14 to read:

15 53243.4. For purposes of this article, “abuse of office or
16 position” means either of the following:

17 (a) An abuse of public authority, including, but not limited to,
18 waste, fraud, and violation of the law under color of authority.

19 (b) A crime against public justice, including, but not limited to,
20 a crime described in Title 5 (commencing with Section 67) or Title
21 7 (commencing with Section 92) of Part 1 of the Penal Code.

22 *SEC. 12.* Section 53892.1 of the Government Code is amended
23 to read:

24 53892.1. For the purpose of permitting the compilation of the
25 financial transactions of school districts by the Controller *as*
26 *required by Section 12463*, the Superintendent of Public Instruction
27 shall make available to the Controller, on an as-needed basis *and*
28 *in the time, manner, and format as prescribed by the Controller*,
29 data and other matters required by this article by the Controller.
30 The Superintendent shall derive the data and other matters required
31 for purposes of this article by the Controller from reports furnished
32 by school districts or by county officials to the Superintendent as
33 provided by law. No school district or county superintendent of
34 schools shall be required to furnish separate reports to the
35 Controller by the provisions of this article. The Superintendent
36 shall furnish average daily attendance or enrollment data in lieu
37 of the general population data required of counties and other
38 municipal corporations by this article. The Superintendent shall
39 add to the report forms furnished by him or her items or other

1 matters as may be agreed by the Superintendent and the Controller
2 to be needed for the purposes of this article.

3 ~~SEC. 10.~~

4 *SEC. 13.* Section 54712 is added to the Government Code, to
5 read:

6 54712. Any local agency levying a benefit assessment pursuant
7 to this chapter may bring an action to determine the validity of the
8 assessment pursuant to Chapter 9 (commencing with Section 860)
9 of Title 10 of Part 2 of the Code of Civil Procedure upon adoption
10 of the assessment and for 60 days thereafter. If the agency does
11 not bring its own action under Chapter 9 (commencing with Section
12 860) of Title 10 of Part 2 of the Code of Civil Procedure, then
13 Sections 863 and 869 of the Code of Civil Procedure shall not
14 apply.

15 *SEC. 14. Section 65302.10 of the Government Code is amended*
16 *to read:*

17 65302.10. (a) As used in this section, the following terms shall
18 have the following meanings:

19 (1) “Community” means an inhabited area within a city or
20 county that is comprised of no less than 10 dwellings adjacent or
21 in close proximity to one another.

22 (2) “Disadvantaged unincorporated community” means a fringe,
23 island, or legacy community in which the median household
24 income is 80 percent or less than the statewide median household
25 income.

26 (3) ~~“Unincorporated fringe”~~ “Fringe community” means any
27 inhabited and unincorporated territory that is within a city’s sphere
28 of influence.

29 (4) ~~“Unincorporated island”~~ “Island community” means any
30 inhabited and unincorporated territory that is surrounded or
31 substantially surrounded by one or more cities or by one or more
32 cities and a county boundary or the Pacific Ocean.

33 (5) ~~“Unincorporated legacy”~~ “Legacy community” means a
34 geographically isolated community that is inhabited and has existed
35 for at least 50 years.

36 (b) On or before the due date for the next adoption of its housing
37 element pursuant to Section 65588, each city or county shall review
38 and update the land use element of its general plan ~~to~~, *based on*
39 *available data, including, but not limited to, the data and analysis*
40 *developed pursuant to Section 56430, of unincorporated island,*

1 *fringe, or legacy communities inside or near its boundaries. The*
2 *updated land use element shall include all of the following:*

3 (1) In the case of a city, an identification of each ~~unincorporated~~
4 island or fringe community within the city's sphere of influence
5 *that is a disadvantaged unincorporated community*. In the case of
6 a county, an identification of each legacy community within the
7 boundaries of the county *that is a disadvantaged unincorporated*
8 *community*, but not including any area within the sphere of
9 influence of any city. This identification shall include a description
10 of the community and a map designating its location.

11 (2) For each identified community, an analysis of water,
12 wastewater, stormwater drainage, and structural fire protection
13 needs or deficiencies.

14 (3) An analysis, based on then existing available data, of benefit
15 assessment districts or other financing alternatives that could make
16 the extension of services to identified communities financially
17 feasible.

18 (c) On or before the due date for each subsequent revision of
19 its housing element pursuant to Section 65588, each city and county
20 shall review, and if necessary amend, its general plan to update
21 the analysis required by this section.

22 ~~SEC. 11.~~

23 *SEC. 15.* Section 66442 of the Government Code is amended
24 to read:

25 66442. (a) If a subdivision for which a final map is required
26 lies within an unincorporated area, a certificate or statement by
27 the county surveyor is required. If a subdivision lies within a city,
28 a certificate or statement by the city engineer or city surveyor is
29 required. The appropriate official shall sign, date, and, below or
30 immediately adjacent to the signature, indicate his or her
31 registration or license number and the stamp of his or her seal,
32 state that:

33 (1) He or she has examined the map.

34 (2) The subdivision as shown is substantially the same as it
35 appeared on the tentative map, and any approved alterations
36 thereof.

37 (3) All provisions of this chapter and of any local ordinances
38 applicable at the time of approval of the tentative map have been
39 complied with.

40 (4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval.

(c) As used in this section, "certificate," "certify," and "certified" shall have the same meaning as provided in Sections 6735.5 and 8770.6 of the Business and Professions Code.

~~SEC. 12.~~

SEC. 16. Section 66450 of the Government Code is amended to read:

66450. (a) If a subdivision for which a parcel map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp of his or her seal and state that:

(1) He or she examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map, if required, have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) of subdivision (a) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) The county surveyor, city engineer, or city surveyor, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete his or her certificate or statement, as required by this section, within 20 days from the time the parcel map is submitted to him or her by the subdivider for approval. The completed parcel map shall be delivered to the county recorder or, if required by local ordinance, filed with the legislative body prior to delivery to the county recorder, within the same 20-day period.

~~SEC. 13.~~

SEC. 17. Section 5473.8 of the Health and Safety Code is amended to read:

5473.8. All laws applicable to the levy, collection, and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to the charges authorized pursuant to this article, except that if any real property to which these charges relate has been transferred or conveyed to a bona fide purchaser for value or a lien of a bona fide encumbrancer for value has been created and attaches thereon during the year prior to the date on which the first installment of the general taxes that include the charges appears on the assessment roll, then the lien which would otherwise be imposed by Section 5473.5 shall not attach to the real property and the charges relating to that property shall be transferred to the unsecured roll of collection.

~~SEC. 14.~~

SEC. 18. Section 5473.11 of the Health and Safety Code is amended to read:

1 5473.11. (a) An entity shall notify the assessee shown on the
2 latest equalized assessment roll whenever delinquent and unpaid
3 charges for services which would become a lien on the property
4 pursuant to subdivision (b) remain delinquent and unpaid for 60
5 days.

6 (b) The amount of the unpaid charges may, in the discretion of
7 the entity, be secured at any time by filing for record in the office
8 of the county recorder of any county, a certificate specifying the
9 amount of the unpaid charges and the name and address of the
10 person liable for those unpaid charges. From the time of recordation
11 of the certificate, the amount required to be paid together with
12 interest and penalty constitutes a lien upon all real property in the
13 county owned by the person or afterwards, and before the lien
14 expires, acquired by him or her. The lien shall have the force,
15 priority, and effect of a judgment lien and shall continue for 10
16 years from the date of the filing of the certificate unless sooner
17 released or otherwise discharged. The lien may, within 10 years
18 from the filing of the certificate or within 10 years from the date
19 of the last extension of the lien in the manner herein provided, be
20 extended by filing for record a new certificate in the office of the
21 county recorder of any county and from the time of this filing the
22 lien shall be extended to the real property in this county for 10
23 years unless sooner released or otherwise discharged.

24 ~~SEC. 15.~~

25 *SEC. 19.* Section 5474.6 of the Health and Safety Code is
26 amended to read:

27 5474.6. (a) The tax collector shall include the amounts of the
28 installments of fees or charges and the interest on bills for taxes
29 levied against the respective lots and parcels of land. Thereafter,
30 all laws applicable to the levy, collection and enforcement of taxes
31 of the entity, including penalties and interest thereon and
32 cancellation or refund thereof, shall be applicable to those
33 installments of fees or charges and interest, except that, if any real
34 property to which the fees or charges relate has been transferred
35 or conveyed to a bona fide purchaser for value or a lien of a bona
36 fide encumbrancer for value has been created and attaches thereon
37 during the year prior to the date on which the first installment of
38 the general taxes that include the fees or charges appears on the
39 assessment roll, then the lien which would otherwise be imposed
40 by Section 5474.5 shall not attach to the real property and the fees

1 or charges and interest shall be transferred to the unsecured roll
2 for collection.

3 (b) The amount of the unpaid installments of fees or charges
4 and interest may, in the discretion of the entity, be secured at any
5 time by filing for record in the office of the county recorder of any
6 county, a certificate specifying the amount of the fees or charges
7 and interest and the name and address of the person liable therefor.
8 From the time of recordation of the certificate, the amount required
9 to be paid together with interest and penalty constitutes a lien upon
10 all real property in the county owned by the person or afterwards,
11 and before the lien expires, acquired by him or her. The lien shall
12 have the force, priority, and effect of a judgment lien and shall
13 continue for 10 years from the date of the filing of the certificate
14 unless sooner released or otherwise discharged. The lien may,
15 within 10 years from the filing of the certificate or within 10 years
16 from the date of the last extension of the lien in the manner herein
17 provided, be extended by filing for record a new certificate in the
18 office of the county recorder of any county and from the time of
19 this filing the lien shall be extended to the real property in this
20 county for 10 years unless sooner released or otherwise discharged.

21 ~~SEC. 16.~~

22 *SEC. 20.* Section 36622 of the Streets and Highways Code is
23 amended to read:

24 36622. The management district plan shall contain all of the
25 following:

26 (a) If the assessment will be levied on property, a map of the
27 district in sufficient detail to locate each parcel of property and, if
28 businesses are to be assessed, each business within the district. If
29 the assessment will be levied on businesses, a map that identifies
30 the district boundaries in sufficient detail to allow a business owner
31 to reasonably determine whether a business is located within the
32 district boundaries. If the assessment will be levied on property
33 and businesses, a map of the district in sufficient detail to locate
34 each parcel of property and to allow a business owner to reasonably
35 determine whether a business is located within the district
36 boundaries.

37 (b) The name of the proposed district.

38 (c) A description of the boundaries of the district, including the
39 boundaries of benefit zones, proposed for establishment or
40 extension in a manner sufficient to identify the affected lands and

1 businesses included. The boundaries of a proposed property
2 assessment district shall not overlap with the boundaries of another
3 existing property assessment district created pursuant to this part.
4 This part does not prohibit the boundaries of a district created
5 pursuant to this part to overlap with other assessment districts
6 established pursuant to other provisions of law, including, but not
7 limited to, the Parking and Business Improvement Area Law of
8 1989 (Part 6 (commencing with Section 36500)). This part does
9 not prohibit the boundaries of a business assessment district created
10 pursuant to this part to overlap with another business assessment
11 district created pursuant to this part. This part does not prohibit
12 the boundaries of a business assessment district created pursuant
13 to this part to overlap with a property assessment district created
14 pursuant to this part.

15 (d) The improvements and activities proposed for each year of
16 operation of the district and the maximum cost thereof. If the
17 improvements and activities proposed for each year of operation
18 are the same, a description of the first year's proposed
19 improvements and activities and a statement that the same
20 improvements and activities are proposed for subsequent years
21 shall satisfy the requirements of this subdivision.

22 (e) The total annual amount proposed to be expended for
23 improvements, maintenance and operations, and debt service in
24 each year of operation of the district. If the assessment is levied
25 on businesses, this amount may be estimated based upon the
26 assessment rate. If the total annual amount proposed to be expended
27 in each year of operation of the district is not significantly different,
28 the amount proposed to be expended in the initial year and a
29 statement that a similar amount applies to subsequent years shall
30 satisfy the requirements of this subdivision.

31 (f) The proposed source or sources of financing, including the
32 proposed method and basis of levying the assessment in sufficient
33 detail to allow each property or business owner to calculate the
34 amount of the assessment to be levied against his or her property
35 or business. The plan also shall state whether bonds will be issued
36 to finance improvements.

37 (g) The time and manner of collecting the assessments.

38 (h) The specific number of years in which assessments will be
39 levied. In a new district, the maximum number of years shall be
40 five. Upon renewal, a district shall have a term not to exceed 10

1 years. Notwithstanding these limitations, a district created pursuant
2 to this part to finance capital improvements with bonds may levy
3 assessments until the maximum maturity of the bonds. The
4 management district plan may set forth specific increases in
5 assessments for each year of operation of the district.

6 (i) The proposed time for implementation and completion of
7 the management district plan.

8 (j) Any proposed rules and regulations to be applicable to the
9 district.

10 (k) A list of the properties or businesses to be assessed, including
11 the assessor's parcel numbers for properties to be assessed, and a
12 statement of the method or methods by which the expenses of a
13 district will be imposed upon benefited real property or businesses,
14 in proportion to the benefit received by the property or business,
15 to defray the cost thereof, including operation and maintenance.
16 The plan may provide that all or any class or category of real
17 property which is exempt by law from real property taxation may
18 nevertheless be included within the boundaries of the district but
19 shall not be subject to assessment on real property.

20 (l) Any other item or matter required to be incorporated therein
21 by the city council.

22 *SEC. 21. Section 36623 of the Streets and Highways Code is*
23 *amended to read:*

24 36623. (a) If a city council proposes to levy a new or increased
25 property assessment, the notice and protest and hearing procedure
26 shall comply with Section 53753 of the Government Code.

27 (b) If a city council proposes to levy a new or increased business
28 assessment, the notice and protest and hearing procedure shall
29 comply with Section 54954.6 of the Government Code, except
30 that notice shall be mailed to the owners of the businesses proposed
31 to be assessed. A protest may be made orally or in writing by any
32 interested person. Every written protest shall be filed with the clerk
33 at or before the time fixed for the public hearing. The city council
34 may waive any irregularity in the form or content of any written
35 protest. A written protest may be withdrawn in writing at any time
36 before the conclusion of the public hearing. Each written protest
37 shall contain a description of the business in which the person
38 subscribing the protest is interested sufficient to identify the
39 business and, if a person subscribing is not shown on the official
40 records of the city as the owner of the business, the protest shall

1 contain or be accompanied by written evidence that the person
2 subscribing is the owner of the business or the authorized
3 representative. A written protest that does not comply with this
4 section shall not be counted in determining a majority protest. If
5 written protests are received from the owners or authorized
6 representatives of businesses in the proposed district that will pay
7 50 percent or more of the assessments proposed to be levied and
8 protests are not withdrawn so as to reduce the protests to less than
9 50 percent, no further proceedings to levy the proposed assessment
10 against such businesses, as contained in the resolution of intention,
11 shall be taken for a period of one year from the date of the finding
12 of a majority protest by the city council.

13 *(c) If a city council proposes to conduct a single proceeding to*
14 *levy both a new or increased property assessment and a new or*
15 *increased business assessment, the notice and protest and hearing*
16 *procedure for the property assessment shall comply with*
17 *subdivision (a), and the notice and protest and hearing procedure*
18 *for the business assessment shall comply with subdivision (b). If*
19 *a majority protest is received from either the property or business*
20 *owners, that respective portion of the assessment shall not be*
21 *levied. The remaining portion of the assessment may be levied*
22 *unless the improvement or other special benefit was proposed to*
23 *be funded by assessing both property and business owners.*

24 ~~SEC. 17.~~

25 SEC. 22. Section 36629 of the Streets and Highways Code is
26 amended to read:

27 36629. All provisions of this part applicable to the
28 establishment, modification, or disestablishment of a property and
29 business improvement district apply to the establishment,
30 modification, or disestablishment of benefit zones or categories
31 of business. The city council shall, to establish, modify, or
32 disestablish a benefit zone or category of business, follow the
33 procedure to establish, modify, or disestablish a property and
34 business improvement district.

35 ~~SEC. 18.~~

36 SEC. 23. Section 36671 of the Streets and Highways Code is
37 amended to read:

38 36671. (a) Upon the disestablishment or expiration without
39 renewal of a district, any remaining revenues, after all outstanding
40 debts are paid, derived from the levy of assessments, or derived

1 from the sale of assets acquired with the revenues, or from bond
2 reserve or construction funds, shall be refunded to the owners of
3 the property or businesses then located and operating within the
4 district in which assessments were levied by applying the same
5 method and basis that was used to calculate the assessments levied
6 in the fiscal year in which the district is disestablished or expires.
7 All outstanding assessment revenue collected after disestablishment
8 shall be spent on improvements and activities specified in the
9 management district plan.

10 (b) If the disestablishment occurs before an assessment is levied
11 for the fiscal year, the method and basis that was used to calculate
12 the assessments levied in the immediate prior fiscal year shall be
13 used to calculate the amount of any refund.

14 ~~SEC. 19:~~

15 *SEC. 24.* Section 37212 of the Water Code is amended to read:

16 37212. In case any charges for water or other services, or either,
17 remain unpaid:

18 (a) If unpaid for 60 days or more on July 1st, the district board
19 may, by resolution, order the secretary to do each of the following:

20 (1) Prepare a list of the parcels of land upon which water and
21 other services, or either, requested in writing by the owner of the
22 property, was used, and for which the charges remain unpaid.

23 (2) Certify that the list is true and correct.

24 (3) Submit the list of unpaid charges and parcels to the county
25 auditor no later than five days after the estimate of the district
26 board was furnished pursuant to Section 37206.

27 Upon receipt by the county auditor of the list and a certified
28 copy of the resolution, the amount of the unpaid charges attributed
29 to each parcel mentioned in the list shall constitute a special
30 assessment against the parcel, and shall be a lien on that property
31 for that amount. The lien attaches upon recordation in the office
32 of the county recorder of the county in which the property is
33 situated of a certified copy of the resolution of the district board
34 accompanied by a certified copy of the list specifically describing
35 the real property by a legal description or reference to an assessor's
36 parcel number and specifying the amount applicable to each parcel.
37 The assessment shall be collected at the same time and in the same
38 manner as ordinary municipal ad valorem taxes are collected, and
39 shall be subject to the same penalties, and the same procedure and
40 sale in case of delinquency as provided for those taxes. All laws

1 applicable to the levy, collection and enforcement of municipal
2 ad valorem taxes shall be applicable to the assessment, except that,
3 if any real property to which the lien would attach has been
4 transferred or conveyed to a bona fide purchaser for value or a lien
5 of a bona fide encumbrancer for value has been created and
6 attached thereon during the year prior to the date on which the first
7 installment of the taxes that include the assessment appears on the
8 assessment roll, then the lien which would otherwise be imposed
9 by this section shall not attach to the real property and the
10 delinquent and unpaid charges, as certified, relating to the property
11 shall be transferred to the unsecured roll for collection.

12 The county shall deduct from the charges collected an amount
13 sufficient to compensate the county for costs incurred in collecting
14 the delinquent and unpaid charges. The amount of this
15 compensation shall be fixed by agreement between the board of
16 supervisors and the district's board of directors.

17 (b) The amount of the unpaid charges may, in the discretion of
18 the district, be secured at any time by filing for record in the office
19 of the county recorder of any county, a certificate specifying the
20 amount of the charges and the name and address of the person
21 liable therefor.

22 From the time of recordation of the certificate, the amount
23 required to be paid together with interest and penalty constitutes
24 a lien upon all real property in the county owned by the person or
25 afterwards, and before the lien expires, acquired by him or her.
26 The lien has the force, priority, and effect of a judgment lien and
27 shall continue for 10 years from the date of the filing of the
28 certificate unless sooner released or otherwise discharged. The
29 lien may, within 10 years from the filing of the certificate or within
30 10 years from the date of the last extension of the lien in the manner
31 herein provided, be extended by filing for record a new certificate
32 in the office of the county recorder of any county and from the
33 time of the filing the lien shall be extended to the real property in
34 this county for 10 years unless sooner released or otherwise
35 discharged.

36 ~~SEC. 20.~~

37 *SEC. 25.* Section 3 of the Kings River Conservation District
38 Act (Chapter 931 of the Statutes of 1951), as amended by Section
39 2 of Chapter 1410 of the Statutes of 1955, is repealed.

1 ~~SEC. 21.~~

2 *SEC. 26.* Section 3 is added to the Kings River Conservation
3 District Act (Chapter 931 of the Statutes of 1951), to read:

4 ~~Sec. 3.~~

5 *Sec. 3.* (a) On or before May 1, 2013, the board shall adopt a
6 resolution that divides the district into seven electoral divisions,
7 which shall be numbered and denominated Division One, Division
8 Two, Division Three, Division Four, Division Five, Division Six,
9 and Division Seven.

10 (b) Using the most recent federal census data as a basis, the
11 electoral divisions shall be as far as practicable, equal in population
12 as required by law.

13 (c) In establishing the boundaries of the electoral divisions, the
14 board may give consideration to the topography, geography,
15 cohesiveness, contiguity, integrity, compactness of territory, and
16 the community of interests of the electoral divisions.

17 ~~(e)~~

18 (d) The establishment of seven divisions pursuant to this section
19 shall not affect the term of office of any director holding office on
20 January 1, 2013.

21 ~~SEC. 22.~~

22 *SEC. 27.* Section 3.1 is added to the Kings River Conservation
23 District Act (Chapter 931 of the Statutes of 1951), to read:

24 ~~Sec. 3.1.~~

25 *Sec. 3.1.* (a) (1) One director shall be elected in accordance
26 with this section by the voters of each electoral division.

27 (2) A candidate for the board of directors shall be a resident in
28 the electoral division for which he or she is a candidate.

29 (3) A director shall continue to reside within the electoral
30 division during his or her term of office, except that no change in
31 boundaries of an electoral division shall affect the term of office
32 of an incumbent director.

33 (b) Consistent with the requirements of Section 10404 of the
34 Elections Code, the first elections for Division One, Division Three,
35 and Division Five established pursuant to Section 3 shall be
36 conducted at the November 4, 2014, general district election.

37 (c) Consistent with the requirements of Section 10404 of the
38 Elections Code, the first elections for Division Two, Division Four,
39 Division Six, and Division Seven established pursuant to Section

1 3 shall be conducted at the November 8, 2016, general district
2 election.

3 (d) Except as otherwise provided by this act, the term of office
4 for each director elected pursuant to subdivisions (b) and (c) shall
5 be four years and the director shall hold office until his or her
6 successor qualifies and takes office.

7 (e) Elections pursuant to this section shall be conducted in
8 accordance with the Uniform District Election Law (Part 4
9 (commencing with Section 10500) of Division 10 of the Elections
10 Code).

11 ~~SEC. 23.~~

12 *SEC. 28.* Section 3.2 is added to the Kings River Conservation
13 District Act (Chapter 931 of the Statutes of 1951), to read:

14 ~~Sec. 3.2.~~

15 *Sec. 3.2.* The board shall review the boundaries of the seven
16 electoral divisions established pursuant to Section 3 before
17 November 1 of the year following the year in which each decennial
18 census is taken. If necessary, the board of directors shall, by
19 resolution, adjust the boundaries of any divisions pursuant to
20 Chapter 8 (commencing with Section 22000) of Division 21 of the
21 Elections Code, except as otherwise provided in this act.

22 ~~SEC. 24.~~

23 *SEC. 29.* Section 5 of the Kings River Conservation District
24 Act (Chapter 931 of the Statutes of 1951), as amended by Section
25 174 of Chapter 2019 of the Statutes of 1965, is amended to read:

26 ~~Sec. 5.~~

27 *Sec. 5.* As used in this act the following words shall have the
28 following meanings unless by the context otherwise indicated, and
29 the definition of a word applies to any of its variants:

30 (a) "District" means Kings River Conservation District.

31 (b) "Board" means the board of directors of the district.

32 (c) "President" means the president of the board.

33 (d) "Secretary" means the secretary of the board.

34 (e) "General district election" means the election required to be
35 held in the district on the first Tuesday after the first Monday in
36 November in each even-numbered year.

37 (f) "Special district election" means any district election other
38 than a general district election.

39 (g) "Elector," "voter," and "precinct board" have, respectively,
40 the same meanings as in the Elections Code, but an elector or voter

1 shall also be a resident of the district and, when required, of a
2 division thereof.

3 (h) “Property” embraces all real and personal property.

4 (i) “Works” includes conduits, canals, embankments, dams,
5 reservoirs, wells, pumps, tunnels, powerhouses, power generating
6 equipment, powerlines, and other appliances and other facilities
7 useful in the control, conservation, drainage, diversion and
8 transmission of waters and in the generation, control and
9 transmission of electrical power, and all land, property, franchises,
10 easements, rights-of-way and privileges necessary or useful to
11 maintain any of the foregoing.

12 (j) “Conduits” includes canals, laterals, ditches, flumes, pipes
13 and their appurtenances.

14 (k) “Operate” includes use, maintenance and repair.

15 (l) “Street” includes road, alley, avenue, highway and public
16 way.

17 (m) “United States” includes the United States of America and
18 all bureaus, commissions, divisions, departments, boards, agencies
19 and officers of the United States of America.

20 (n) “State of California” includes the State of California and all
21 bureaus, commissions, divisions, departments, agencies and officers
22 of the State of California.

23 ~~SEC. 25.~~

24 *SEC. 30.* Section 8 of the Kings River Conservation District
25 Act (Chapter 931 of the Statutes of 1951) is amended to read:

26 ~~Sec. 8.~~

27 *Sec. 8.* The powers of the district shall, except as otherwise
28 provided, be exercised by a board of seven directors.

29 ~~SEC. 26.~~

30 *SEC. 31.* Section 19 of the Kings River Conservation District
31 Act (Chapter 931 of the Statutes of 1951) is repealed.

32 ~~SEC. 27.~~

33 *SEC. 32.* Section 20 of the Kings River Conservation District
34 Act (Chapter 931 of the Statutes of 1951) is repealed.

35 ~~SEC. 28.~~

36 *SEC. 33.* Section 21 of the Kings River Conservation District
37 Act (Chapter 931 of the Statutes of 1951) is amended to read:

38 *Sec. 21.* Whenever any land is added to the district, the board,
39 by resolution, shall include it or any part thereof in such division
40 or divisions as the board may determine, giving consideration to

1 the location thereof and the interests of its inhabitants with respect
2 to power and water and the sources of water supply therein; and
3 the board shall relocate the boundary lines of the division or
4 divisions to which such territory is added accordingly. Whenever
5 any territory is excluded from the district, the board, by resolution,
6 shall relocate the boundary lines of the division or divisions within
7 which such territory lies so as to exclude it from such division or
8 divisions. No such change in a division or divisions may be made
9 within 180 days immediately preceding a general district election,
10 nor shall such change work a forfeiture of office of any director.
11 A certified copy of such resolution, together with a map or plat
12 showing the boundaries of such division or divisions as relocated
13 thereby shall be filed with the county recorder of each county
14 within which any portion of the district lies.

15 ~~SEC. 29.~~

16 *SEC. 34.* Section 22 of the Kings River Conservation District
17 Act (Chapter 931 of the Statutes of 1951) is repealed.

18 ~~SEC. 30.~~

19 *SEC. 35.* Section 24 of the Kings River Conservation District
20 Act (Chapter 931 of the Statutes of 1951) is amended to read:

21 ~~Sec. 24.~~

22 *Sec. 24.* Consistent with the requirement heretofore imposed
23 by the District pursuant to Elections Code Section 10404, the
24 election of directors shall be held on the first Tuesday after the
25 first Monday in November in each even-numbered year, and each
26 director must be an elector and resident of the division for which
27 he is elected.

28 The candidate receiving the highest number of votes cast for the
29 office of director for a specific division shall be declared elected.

30
31 FORM OF APPOINTMENT

32 The undersigned hereby appoint _____ the following voters of Kings
33 River Conservation District as verification deputies to obtain signatures to a
34 certificate of nomination nominating _____ as a candidate for the office of
35 director of said district at an election to be held in said district on the _____
36 day of _____, 19____.

37 Name

Address

38 _____
39 _____
40 _____

Dated this _____ day of _____, 19____.

Residence

Signature

(2) The certificate of nomination shall be signed by not less than 25 voters of the division from which the candidate is to be elected, or in the event any division shall have less than 100 voters resident therein, such certificate shall be signed by not less than 25 percent of the voters of such division. In the case of the director at large, the certificate of nomination shall be signed by not less than 25 voters of the district. The certificate of nomination may consist of one or more parts and shall read substantially as follows:

CERTIFICATE OF NOMINATION

We, the undersigned, certify that we do hereby join in a certificate of nomination of _____, whose residence is at _____, for the office of director of Kings River Conservation District from Division _____, (or at large) to be voted for at the election to be held in said district on the _____ day of _____, 19 ____, and each of us further certifies that he is a voter residing within said Division _____ (or said district) and is not at this time a signer of any other certificate nominating any other candidate for the above-named office and that his residence and occupation are as hereinafter stated.

Signatures

Residence

Occupation

Date

Verification Deputy's Affidavit

State of California

County of _____

} SS.

I, _____, solemnly swear that I have been appointed according to the provisions of the Kings River Conservation District Act as a verification deputy to secure signatures to a certificate of nomination of _____ as a candidate for election to the office of director of Kings River Conservation District; that all the signatures on this section of the certificate were made in my presence and that to my knowledge and belief each of the signatures is a genuine signature of the person whose name it purports to be.

Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public (or other officer)

The certificate of nomination of which this section forms a part shall, if found insufficient, be returned to the verification deputy at _____(address), California.

~~SEC. 31.~~

SEC. 36. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Text—Pages 6, 10, 28, 29, 30, and 31.

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